

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Case No. **MISC 21 - 3181**

**DECLARATION OF
DMITRY LAPIN, ESQ.**

In Re: DMCA Subpoena to Etsy, Inc.

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ NOV 05 2021 ★

BROOKLYN OFFICE

I, Dmitry Lapin, Esq. declare, under penalty of perjury, as follows:

1. I am over the age of 18 and am competent to testify to the matters contained here.

I have personal knowledge of the matters contained in this Declaration.

2. I am an attorney with the law firm of Danchuk Law, LLC. I represent Jon W. Wright ("Wright"), who owns the copyrights to the works of art titled, "Legend Series Artwork: Bass" and "Legend Series Artwork: Walleye" bearing U.S. Copyright Registration No. VA-1-153-915.

3. The Etsy Website is owned and operated by Etsy, Inc. ("Etsy") and functions as an online marketplace whereby users can post a variety of items for sale to consumers.

4. Wright discovered a large number of individuals/entities using www.etsy.com (the "Etsy Website") to sell, offer for sale, or otherwise display Wright's copyrighted works without his consent.

5. Attached as **Exhibit A** to this Declaration are true and correct copies of the takedown notifications sent to Etsy, pursuant to 17 U.S.C. § 512(c)(3).

6. Wright seeks to subpoena Etsy for documents containing identifying information relating to the identity of the individuals/entities that posted the unlawful material on the Etsy Website.

7. Attached as **Exhibit B** to this Declaration is an itemized list of all Listing IDs reported to Etsy; Wright requests the identities of the individuals/entities that sold, offered for sale, or otherwise displayed Wright's copyrighted works by and through these Listing IDs.

8. The sole objective of the issuance of a subpoena on Shopify is to obtain the identity of the alleged infringers, and such information will only be used for the purpose of protecting Wright's rights under 17 U.S.C. § 101, et seq.

Dated: November 3, 2021

/s/ Dmitry Lapin
Dmitry Lapin

EXHIBIT A

11/2/21, 12:03 PM

emilyesquire.com Mail - We've received your copyright infringement report



Dmitry Lapin <dmitry@emilyesquire.com>

We've received your copyright infringement report

1 message

Etsy Legal <legal@etsy.com>
Reply-To: Etsy Legal <legal@etsy.com>
To: dmitry@emilyesquire.com

Mon, Oct 11, 2021 at 4:14 PM



Dear Dmitry Lapin,

Thanks for submitting a report of alleged copyright infringement. We'll review your report and act in accordance with our [Intellectual Property Policy](#).

Thank you,
Etsy Legal

Below is a copy of the report for your records.

Infringement Report

Filed on October 11, 2021

Legends Series Artwork: Bass copyright

Copyright

registration number: VA-1-153-915

Copyright

jurisdiction: United States

Authorized**examples****of the work:**

Work is not available online. "Legends Series Artwork: Bass" depicts a bass jumping from the water, including a detailed design of water. The

11/2/21, 12:03 PM

emilyesquire.com Mail - We've received your copyright infringement report

copyright registration deposit materials is available by contacting
dmitry@emilyesquire.com.

Infringing material reported

<https://www.etsy.com/listing/999029606/fishing-tumbler-design-png-download>

<https://www.etsy.com/listing/704977616/only-a-hooker-on-the-weekends-fishing>

<https://www.etsy.com/listing/716205160/watercolor-animal-waterslide-decal-wc11>

<https://www.etsy.com/listing/1091003003/so-good-with-my-rod-i-make-fish-come>

<https://www.etsy.com/listing/1091008931/i-just-hold-my-rod-wiggle-my-worm-and>

1077549732

1030366371

815930131

809290733

<https://www.etsy.com/listing/1020352257/jumping-bass-fish-digital-file-png-and>

<https://www.etsy.com/listing/1041031815/large-mouth-bass-fish-pngpng-digital>

<https://www.etsy.com/ca/listing/1014633177/laser-printed-fishing-clear-waterslides>

804488573

Legends Series Artwork: Walleye copyright

Copyright

registration number: VA-1-153-915

Copyright

jurisdiction: United States

Authorized examples of the work:

Work is not available online. "Legends Series Artwork: Walleye" depicts a bass jumping for a lure. A copy of the copyright registration certificate and deposit materials is available by contacting Dmitry Lapin, Esq., at dmitry@emilyesquire.com.

Infringing material reported

<https://www.etsy.com/listing/1006395316/jumping-walleye-fish-digital->

11/2/21, 12:03 PM

emilyesquire.com Mail - We've received your copyright infringement report

file-png

<https://www.etsy.com/ca/listing/1014633177/laser-printed-fishing-clear-waterslides>

By submitting this notice, you agreed to the following statements and provided your signature:

I have a good faith belief that the material is not authorized by the intellectual property owner, its agent, or the law.

The information provided in the notice is accurate, and I swear under penalty of perjury that I am authorized to make the complaint on behalf of the intellectual property owner.

Etsy may provide a copy of this notice to the affected member(s).

Contact Info

Name: Dmitry Lapin
Company: Danchuk Law LLC
Job title: Attorney
Country: United States
Address: [2 Victoria Lane](#)
City: Falmouth
State: Maine
Postal code: 04105
Email: dmitry@emilyesquire.com
Phone number: 2074640099

This is a confidential matter, and Etsy requests that you not discuss this issue in the Etsy Forums or otherwise violate the confidential nature of this email. This communication is not legal advice or legal

11/2/21, 12:03 PM

emilyesquire.com Mail - We've received your copyright infringement report
representation. For legal help, please consult an attorney.

If you live in North America or South America, this email is sent by Etsy, Inc., [117 Adams Street, Brooklyn, NY 11201, USA](#); if you live elsewhere, this email is sent by Etsy Ireland UC, a subsidiary of Etsy, Inc., [66/67 Great Strand Street, Dublin 1, D01 RW84, Ireland](#) having company registration number 495696 and VAT registration number IE9777587C. You are receiving this email because you registered on [Etsy.com](#) with this email address.

Copyright © 2021 Etsy, Inc, an affiliate of Etsy Ireland UC. All rights reserved.

11/2/21, 12:04 PM

emilyesquire.com Mail - We've received your copyright infringement report



Dmitry Lapin <dmitry@emilyesquire.com>

We've received your copyright infringement report

1 message

Etsy Legal <legal@etsy.com>
Reply-To: Etsy Legal <legal@etsy.com>
To: dmitry@emilyesquire.com

Tue, Oct 12, 2021 at 1:28 PM



Dear Dmitry Lapin,

Thanks for submitting a report of alleged copyright infringement. We'll review your report and act in accordance with our [Intellectual Property Policy](#).

Thank you,
Etsy Legal

Below is a copy of the report for your records.

Infringement Report

Filed on October 12, 2021

Legends Series Artwork: Crappie copyright

Copyright registration number:	VA-1-153-915
Copyright jurisdiction:	United States
Authorized examples of the work:	Work is not available online. "Legends Series Artwork: Crappie" depicts a crappie fish out of water. The copyright registration deposit materials is available by contacting dmitry@emilyesquire.com .

11/2/21, 12:04 PM

emilyesquire.com Mail - We've received your copyright infringement report

Infringing material reported

<https://www.etsy.com/listing/1011011032/crappies-fish-flag-wood-american-flag>

Legends Series Artwork: Bass copyright**Copyright**

registration VA-1-153-915
number:

Copyright

jurisdiction: United States

**Authorized
examples****of the work:**

Work is not available online. "Legends Series Artwork: Bass" depicts a bass jumping from the water, including a detailed design of water. The copyright registration deposit materials is available by contacting dmitry@emilyesquire.com.

Infringing material reported

<https://www.etsy.com/listing/936066903/fishing-flag-wood-american-flag-skinny>

By submitting this notice, you agreed to the following statements and provided your signature:

I have a good faith belief that the material is not authorized by the intellectual property owner, its agent, or the law.

The information provided in the notice is accurate, and I swear under penalty of perjury that I am authorized to make the complaint on behalf of the intellectual property owner.

Etsy may provide a copy of this notice to the affected member(s).

Contact Info

Name: Dmitry Lapin

11/2/21, 12:04 PM

emilyesquire.com Mail - We've received your copyright infringement report

Company:	Danchuk Law LLC
Job title:	Attorney
Country:	United States
Address:	2 Victoria Lane
City:	Falmouth
State:	Maine
Postal code:	04105
Email:	dmitry@emilyesquire.com
Phone number:	2074640099

This is a confidential matter, and Etsy requests that you not discuss this issue in the Etsy Forums or otherwise violate the confidential nature of this email. This communication is not legal advice or legal representation. For legal help, please consult an attorney.

If you live in North America or South America, this email is sent by Etsy, Inc., [117 Adams Street, Brooklyn, NY 11201, USA](#); if you live elsewhere, this email is sent by Etsy Ireland UC, a subsidiary of Etsy, Inc., [66/67 Great Strand Street, Dublin 1, D01 RW84, Ireland](#) having company registration number 495696 and VAT registration number IE9777587C. You are receiving this email because you registered on [Etsy.com](https://www.etsy.com) with this email address.

Copyright © 2021 Etsy, Inc, an affiliate of Etsy Ireland UC. All rights reserved.

11/2/21, 12:05 PM

emilyesquire.com Mail - We've received your copyright infringement report



Dmitry Lapin <dmitry@emilyesquire.com>

We've received your copyright infringement report

1 message

Etsy Legal <legal@etsy.com>
Reply-To: Etsy Legal <legal@etsy.com>
To: dmitry@emilyesquire.com

Fri, Oct 15, 2021 at 4:29 PM



Dear Dmitry Lapin,

Thanks for submitting a report of alleged copyright infringement. We'll review your report and act in accordance with our [Intellectual Property Policy](#).

Thank you,
Etsy Legal

Below is a copy of the report for your records.

Infringement Report

Filed on October 15, 2021

Legend Series Artwork: Bass copyright

Copyright

registration number: VA-1-153-915

Copyright

jurisdiction: United States

Authorized**examples****of the work:**

Work is not available online. "Legends Series Artwork: Bass" depicts a bass jumping from the water, including a detailed design of water. The

11/2/21, 12:05 PM

emilyesquire.com Mail - We've received your copyright infringement report

copyright registration deposit materials is available by contacting
dmitry@emilyesquire.com.

Infringing material reported

<https://www.etsy.com/listing/1052003510/jumpin-fish-20-oz-tumbler-wrap-tapered>

<https://www.etsy.com/listing/858005753/bass-fishing-20-oz-skinny-tumbler>

<https://www.etsy.com/listing/788605978/kiss-my-bass-fathers-day-fishing-png-svg>

<https://www.etsy.com/listing/1075749257/fishing-flag-wood-tumbler-2-file-png20>

<https://www.etsy.com/listing/802476831/fishing-fishing-png-bass-master-fishing>

<https://www.etsy.com/listing/1005787514/20-oz-skinny-tumbler-sublimation-design>

By submitting this notice, you agreed to the following statements and provided your signature:

I have a good faith belief that the material is not authorized by the intellectual property owner, its agent, or the law.

The information provided in the notice is accurate, and I swear under penalty of perjury that I am authorized to make the complaint on behalf of the intellectual property owner.

Etsy may provide a copy of this notice to the affected member(s).

Contact Info

Name: Dmitry Lapin
Company: Danchuk Law LLC
Job title: Attorney
Country: United States
Address: [2 Victoria Lane](#)

11/2/21, 12:05 PM

emilyesquire.com Mail - We've received your copyright infringement report

City:	Falmouth
State:	Maine
Postal code:	04105
Email:	dmitry@emilyesquire.com
Phone number:	2074640099

This is a confidential matter, and Etsy requests that you not discuss this issue in the Etsy Forums or otherwise violate the confidential nature of this email. This communication is not legal advice or legal representation. For legal help, please consult an attorney.

If you live in North America or South America, this email is sent by Etsy, Inc., [117 Adams Street, Brooklyn, NY 11201, USA](#); if you live elsewhere, this email is sent by Etsy Ireland UC, a subsidiary of Etsy, Inc., [66/67 Great Strand Street, Dublin 1, D01 RW84, Ireland](#) having company registration number 495696 and VAT registration number IE9777587C. You are receiving this email because you registered on [Etsy.com](https://www.etsy.com) with this email address.

Copyright © 2021 Etsy, Inc, an affiliate of Etsy Ireland UC. All rights reserved.

EXHIBIT B

In Re: DMCA Subpoena to Etsy, Inc.
Itemized List of Listings IDs

October 11, 2021 Notice

1. 999029606
2. 704977616
3. 716205160
4. 1091003003
5. 1091008931
6. 1077549732
7. 1030366371
8. 815930131
9. 809290733
10. 1020352257
11. 1041031815
12. 1014633177
13. 804488573
14. 1006395316
15. 1014633177

October 12, 2021 Notice

1. 1011011032
2. 936066903

October 15, 2021 Notice

1. 1052003510
2. 858005753
3. 788605978
4. 1075749257
5. 802476831
6. 1005787514